

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD GAVITT,

Plaintiff,

v.

Case No. 09-12796

Hon. Lawrence P. Zatkoff

NCO FINANCIAL SYSTEMS, INC.,

Defendant.

_____ /

ORDER TO REMAND IN PART

Plaintiff filed his complaint in the 46th District Court on June 25, 2009. Defendant timely removed the action to this Court on July 15, 2009, based on federal-question jurisdiction under 28 U.S.C. § 1331. Plaintiff's complaint contains the following two counts:

- | | |
|----------|--|
| Count I | Violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 <i>et seq.</i> |
| Count II | Violations of the Michigan Consumer Protection Act, Mich. Comp. Laws § 445.252, and the Michigan Occupational Code, Mich. Comp. Laws § 339.915 |

The Court has subject-matter jurisdiction over Count I because it arises under federal law. 28 U.S.C. § 1331. Count II, however, is based on state law. Although the Court has supplemental jurisdiction over state-law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *Id.* § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state-law claim in this matter. The Court finds that the contemporaneous presentation of Plaintiff's parallel state claim for relief will result in the undue confusion of the jury. *See id.*; *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's state-law claim (Count II) is hereby

REMANDED to the 46th District Court. The Court retains jurisdiction over Plaintiff's federal claims (Count I).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: July 31, 2009

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on July 31, 2009.

s/Marie E. Verlinde

Case Manager

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